XI C-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

Writ Petition
W.P. 226 of Constitution of India

आदेश पत्रक

Single Bench

(13)
(14)

मामला क्रमांक WP 985 सन् 2001

Smt. Bhau Bai Sahu Vs State of C.G.

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
		P.R. 9/40/2001

Petition of W.P.
Presented on 3.1.2001
with
by ~~Shri~~ Dust Thawthoman, Adv.
it be checked fixed for
M. Ram

XI-HC-22

A.F.R.

उच्च न्यायालय, मध्यप्रदेश, जबलपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 935 / 2001 ~~सन् 199~~

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
04/07/2001:	Petitioner smt. Bhun bai sahu is present in person. Smt. Hamida siddiqi appears as curiae. Shri Goutm Bhaduri, Govt. advocate, for the state. With the consent of the parties the matter is finally heard. The petitioner's husband Deodas Sahu was serving as Assistant Teacher in the Government School. The husband Deodas Sahu died in harness leaving behind wife and three minor children namely Upasana aged about 10 years Dronesh Sahu, aged about 5 years and Itla aged about three and half years. The petitioner after the death of her husband appeared in 5th class. She passed the examination and having acquired requisite qualification applied for compassionate appointment. The District Education Officer has rejected the said application for compassionate appointment made by the widow on the ground that she has applied for after three months of the death of her husband. Deodas Sahu died on 8.7.2000. The application was made along with all documents on 15.2.2001. The Principal of the School recommended on 20.2.2001. It was received in the office of education officer on 22.2.2001. The petitioner who appeared in person with her mother submitted that she had been repeatedly approaching the officers concerned for compassionate appointment after the death of her husband, she was not informed about the fact that the application was to be made within three	

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मामला क्रमांक ..... सन् 199

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

months. She submitted that one Nandan Bhav a clerk, in fact harassed her.

The petitioner has produced before this court a letter written by the Collector Rajnandgaon directing the department of Lok Sikshan Sanchanalaya wherein the collector has noted the plight of the petitioner and found her to be absolute helpless. She has no source of income to maintain herself and the children. Taking into consideration the facts and circumstances of the case the delay which has occurred is bona fide and her case deserves to be considered sympathetically for appointment on compassionate ground. This letter is dated 20.4.2001. The state did not take any step and as such the petitioner submitted a letter petition before this Court and this Court passed an order on 1.6.2001.

Smt. Hamida Siddique appearing as Amicus Curiae submits that the compassionate appointment is a benevolent provision and has been made with the object that after the death of the government employee, his dependents should not be rendered destitute. The petitioner's husband has died in the young age. She herself is young. She has three minor children. The Collector Rajnandgaon being satisfied submitted the report to the Government. Smt. Hamida Siddiqi learned counsel appearing as Amicus Curiae, submits that the period of three months for submission of the application for compassionate

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
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appointment defeats the very object. In any case, it is the duty of the authority to inform the heirs/ dependents and legal representatives about it so that they may have knowledge. It is contended that due information and notice about it ought to have been given. The family of deceased suffers great setback due to death of the main earning member of the family. It is stated that Chhattisgarh is a Tribal state and citizens should not be deprived of their rights in such a manner. The D.E.O. and authorities failed to notice this.

Having heard the petitioner and Smt. Hamida Siddique appearing as Amicus Curiae, in the opinion of this Court it is just and proper that the delay in submitting the application for compassionate appointment is condoned. The entire papers are with the concerned authority that is District Education Officer. It is directed that the State of Chhattisgarh, Director of the Education and the District Education Officer whoever is competent shall consider the case of the petitioner as early as possible preferably within a month from the date of the receipt of the copy of this order passed by this Court. The report about the action taken on the application for compassionate appointment made by the petitioner shall be submitted to the Registrar General of this Court. The authorities are also directed to deal with the complaint made against Shri Nandan Bhav regarding the harassment of the petitioner. The State and its officials are directed to consider as to whether the so-called period of making

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

application within 90 days and rejection of genuine case on such hyper-technical ground is justified. In any case, due notice and information be provided to the heirs and dependents of the deceased. Their dues shall also be paid in time. The New State is conscious of the facts and circumstances that have been stated by the learned State counsel. This court appreciates the gesture shown and the fair stand taken by State Counsel and hope that cases like present will be examined by the State and its officers keeping the very object in mind.

Subject to what has been stated above, this petition is allowed.

Before parting, this Court appreciates the assistance rendered by Smt. Hamida Siddique who appeared as Amicus Curiae to assist the Court in deciding this matter.

Copy of this order be supplied to the State Government and Amicus Curiae and State Counsel free of cost. A copy of this order shall also be sent by registered post to the petitioner free of cost.

Sd/-
Fakhruddin
Judge

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